IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 16TH OCTOBER 2006 / 24TH ASWINA 1928

Bail Appl..No. 6100 of 2006()

CRIME NO.141/2006 OF MELUKAVU POLICE STATION.

PETITIONERS/ACCUSED

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1. JOSEKUTTY, S/O.VARKEY,
   KANNAMKULATHU, MELUKAVU VILLAGE AND POST,
   MEENACHIL TALUK.

2. SALI, S/O.VARKEY,
   KANNAMKULATHU, MELUKAVU VILLAGE AND POST,
   MEENACHIL TALUK.

BY ADV. SRI.MATHEW JOHN (K)
SRI.SUJESH MENON V.B.

RESPONDENTS: COMPLAINANT

THE S.I. OF POLICE,
MELUKAVU POLICE STATION, MELUKAVU,
REP. BY PUBLIC PROSOECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M. JAMES, J.

Bail Application No. 6100 of 2006

Dated this the 16th October, 2006.

O R D E R

Petitioners are accused 3 and 4 in Crime No.141/2006 of Melukavu Police Station, for the offence punishable under Sections 143, 147, 148, 294(b), 341, 326 and 506(ii) IPC, read with Section 149 IPC. The allegation is that the accused, seven in number, have wrongfully restrained the de facto complainant, and assaulted him. The wound certificate reveal that the de facto complainant sustained depressed fracture on the squamous part of the left temporal bone. C.T.Scan also showed the same. The prosecution submits that the 3rd accused had inflicted injuries with a stone, and the 4th accused had assaulted the de facto complainant with his hand.

2. Counsel for the petitioners further submit that, in a drunken mood, the de facto complainant had demanded the rope, which was commonly purchased and was used for practicing tug-of-war. As the petitioners did not heed to the request of the complainant, there was a scuffle and in that, the de facto complainant fell down and

sustained injuries. Some of the accused, particularly, accused 1 and 2, also sustained injuries, and they were hospitalised, submits the counsel.

3. Considering the submissions made by either side, and in the light of the C.D.file, I dispose of the application, directing the petitioners to surrender before the Investigating Officer of Melukavu Police Station, who is investigating the Crime No.141/2006 of that police station, on 25.10.2006, between 9.30 and 10 a.m.

4. The investigating officer shall interrogate the petitioners, and thereafter produce them before the competent Magistrate Court, as per the law.

5. The learned Magistrate shall hear both sides, and allow the petitioners to be on bail, imposing such conditions, as are deemed necessary.

J.M. JAMES,
JUDGE

nj.